

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

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MARA FLAMM,

Plaintiff,

v.

SARNER & ASSOCIATES, P.C. and  
JOSHUA SARNER, ESQUIRE and  
LEONARD SARNER, ESQUIRE and  
JODI H. BROWN, M.D. and JOHN  
MATUSAVAGE,

Defendants.

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CIVIL ACTION

NO. 02-4302

**ATTORNEY DEFENDANTS' MOTION FOR LEAVE TO FILE A SUR-REPLY IN  
SUPPORT OF ATTORNEY DEFENDANTS' OPPOSITION TO  
PLAINTIFF'S MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT  
AND ATTORNEY DEFENDANTS' MOTION TO DISMISS COUNT III OF  
PLAINTIFFS' PROPOSED AMENDED COMPLAINT**

Defendants Sarner & Associates, P.C., Leonard Sarner, Esquire, and Joshua Sarner, Esquire (collectively "attorney defendants"), hereby respectfully requests leave to file a Sur-Reply Memorandum in support of both their Opposition to Plaintiff's Motion for Leave to Amend her Complaint and attorney defendants' alternatively pled Motion To Dismiss Count III of the plaintiff's proposed Amended Complaint (a true and correct copy of which is attached hereto as Exhibit "A") in order to rebut certain legal arguments raised in plaintiff's Reply Brief in Support of Motion to Amend Complaint and in Opposition to the Motion to Dismiss of the Sarner Defendants.

By way of summary, the plaintiff has filed a Motion to Amend her Complaint on January 2, 2003. Attorney Defendants filed an Attorney defendants filed their Opposition to plaintiff's

Motion to Amend or, in the alternative, Motion to Dismiss Count III of the proposed Amended Complaint on January 16, 2003. By stipulation of the parties, on February 12, 2003, plaintiff filed a Reply in Support of her Motion to Amend the Complaint, which also served as her Response to attorney defendants' Motion to Dismiss Count III of the proposed Amended Complaint. The proposed Sur-Reply attached hereto is a response to plaintiff's filing of February 12, 2003 and is both a Sur-Reply in Opposition to plaintiff's Motion to Amend and a Response in Support of attorney defendants' Motion to Dismiss Count III of the proposed Amended Complaint.

WHEREFORE, the attorney defendants respectfully request that this Court permit them to file the attached Sur-Reply Memorandum in further support of both their Opposition to plaintiff's Motion to Amend her Complaint and their Motion to Dismiss Count III of plaintiff's Proposed Amended Complaint.

A proposed form of Order is submitted herewith for the Court's convenience.

Respectfully submitted,

CHRISTIE, PABARUE, MORTENSEN and YOUNG  
A Professional Corporation

By:

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JAMES W. CHRISTIE (I.D. No. 12068)  
WILLIAM F. MCDEVITT (I.D. No.: 80206)

Dated: \_\_\_\_\_

Attorneys for Defendants Sarner & Associates, P.C.;  
Joshua Sarner, Esquire and Leonard Sarner, Esquire  
("Attorney Defendants")